

ORDINANCE NO. 15-2005

Exhibit "A"

TITLE IX, CHAPTER 99

§99.01. Definitions.

For the purpose of this chapter the words and phrases defined in the sections hereunder shall have the meanings therein respectively ascribed to them, unless a different meaning is clearly indicated by the context.

(A) Blighted Premises.

"Blighted premises" shall mean premises which because of their age, obsolescence, dilapidation, deterioration, lack of maintenance or repair or any combination thereof constitute a serious fire hazard, a serious health hazard, a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other premises within the neighborhood or a factor seriously depreciating property values in the neighborhood.

(B) Redevelopment.

"Redevelopment" shall mean the acquisition of blighted premises, the demolition of a structure or structures thereon, the making of site improvements, including the construction or reconstruction thereon, or the sale of property for use in accordance with the zoning code or Title XV, Chapter 152 of the Springdale Municipal Code of the City of Springdale. Redevelopment may include the construction or improvement by the City of any buildings for public use or for resale to private persons.

(C) Rehabilitation.

"Rehabilitation" shall mean the restoration, rehabilitation or conservation of blighted premises by improvement, modernization or repair of a structure or structures thereon to bring it into conformance with applicable building and zoning provisions of the City of Springdale.

§99.03. Determination of Blighted Premises.

The Mayor or his designee shall present to Council, from time to time, a report which shall list therein the location and ownership of premises which the Mayor or his designee has reason to believe are blighted premises as defined in this chapter, and which are located in the City of Springdale outside of urban renewal areas or "blighted areas" as defined in Chapter 725 of the Ohio Revised Code. The report will state briefly the factors which, in the Mayor's or his designee's opinion, would warrant the determination that the premises so listed in the report are blighted. The premises so listed in the report shall be only those blighted premises which, in the opinion of the Mayor or his designee, are such that, in order to eliminate the existing blight and to prevent future blight, acquisition thereof will be necessary for one or more of the following reasons:

- (A) The owner of the premises cannot or will not
 - (1) Eliminate the blighted condition, and/or
 - (2) Prevent recurrence of blight; or
- (B) The owner has not responded to a lawful order by the City to take action to eliminate its recurrence within 30 days after notice of the request or order has been given by:
 - (1) Posting such order or notice on the premises; or
 - (2) Personal delivery; or
 - (3) Mailing such order or notice to the last known address of the owner; or
 - (4) Publishing once a week for three consecutive weeks in a newspaper of general circulation a notice of the issuance of the order relating to the premises and directing the owner to contact the director of buildings and inspections in regard to such order; or
- (C) Direct action, short of acquisition by the City to eliminate the blight, including but not limited to clearing the premises of the debris, demolition of blighted structures, or barricading such structure has proved to be unsuccessful:
 - (1) To eliminate the blight; or
 - (2) To prevent its recurrence; or
- (D) In the opinion of the Mayor or his designee, based upon conditions existing on the premises and in the neighborhood, such direct action would be likely to prove inadequate to eliminate blight or prevent its recurrence.

§99.05. Public Hearing.

Upon receipt of a report from the Mayor or his designee, Council shall set a date for a public hearing in regard to the existence of blight on the premises and necessity for acquisition by the City in order to eliminate blight and prevent the recurrence thereof. Said hearing shall be held not less than 30 nor more than 45 days from the time such report of the Mayor or his designee is received. Upon the fixing of a day for a public hearing, the clerk of Council shall promptly cause notice to be given to the owner or owners of record of the premises and the occupants thereof, if any, or the person in charge of the premises, if any, notifying them of the time and place of the hearing and apprising them of their right to appear at such hearing to show cause why the premises should not be declared to be blighted or why the City should not acquire said premises for the purpose of eliminating blight thereon and preventing the recurrence of blight. Notice of such hearing shall be given by:

- (A) Posting the notice thereof on the premises; or

- (B) Personal service; or
- (C) Mailing such order or notice to the last known address of the owner or person in charge of the premises or to the occupants thereof; or
- (D) Publishing the notice once a week for three consecutive weeks in a newspaper of general circulation within the City of Springdale.

§99.07. Procedure.

(A) At the hearing required by Section 99.05, the report of the Mayor or his designee shall be read and shall constitute prima facie evidence of blight on the premises and need for the City of Springdale to acquire such premises in order to eliminate the blight and prevent recurrence of blight thereon. Thereafter, the owner, person in charge, occupant of the premises or any person having an interest therein may proceed to show cause why the premises should not be declared blighted or the City should not acquire said premises for the purposes of eliminating blight or preventing its recurrence. At the hearing, the owner, person in charge of the premises or occupant may cause to be presented to the Council any records of the City of Springdale pertaining to issues relevant to the hearing and may examine City employees in regard thereto; provided that the production of such records or the presence of such employees is requested by the owner, person in charge or occupant of the premises in writing at least 24 hours prior to the hearing.

(B) If the owner, person in charge or occupant of the premises does appear and present testimony for the purpose of showing cause why the premises should not be declared blighted or the City should not acquire the premises for the purposes of eliminating the blight and preventing recurrence of blight, the Mayor or his designee shall proceed to present evidence to Council of the existence of blight on the premises and need to acquire the premises for elimination of the blight and the prevention of the recurrence of the blight thereon. Members of the public residing in the neighborhood or who may otherwise have knowledge of the condition of such premises may address the Council at the hearing in regard to the proposed action of the City.

(C) Council may adjourn the hearing, from time to time, and grant continuances to the Mayor or his designee, or the owner, person in charge or occupant of the premises, in order for them to present further argument or evidence in regard to the existence of blight on the premises or the need for the City to acquire the premises in order to eliminate blight or prevent the recurrence of blight thereon.

§ 99.09. Legislative Determination.

(A) Council, upon completion of the hearing, shall at the same or a subsequent meeting decide and make findings as to:

- (1) Whether or not the premises are blighted in accordance with this chapter, and

(2) Whether or not it is necessary for the City to acquire the premises in order to eliminate blight thereon and to prevent the recurrence of blight.

(B) Should Council determine that the premises are not blighted as defined in this chapter, it may direct the Mayor or his designee to take action under any other provisions of the Springdale Municipal Code or zoning code of the City of Springdale in order to correct any illegal conditions on the premises.

(C) Should Council determine that the premises are blighted but that it is not necessary for the City to acquire the premises in order to eliminate the blight and prevent its recurrence in the future, it may direct the Mayor or his designee to take appropriate action in regard thereto short of acquisition.

(D) If Council finds that the premises are blighted as defined in this chapter and that acquisition by the City is necessary in order to eliminate the blight and prevent the recurrence of blight on the premises, the Mayor or his designee shall be and hereby is authorized to proceed to take the proper action to acquire the premises, eliminate the blight and prevent the recurrence of blight in accordance with the provisions of this chapter.

§ 99.11. Acquisition and Blight Elimination by the Mayor or his designee.

Upon determination of Council that premises are blighted and that acquisition by the City is necessary in order to eliminate the blight and prevent recurrence of blight upon the premises, the Mayor or his designee is hereby authorized to:

(A) Acquire the premises by purchase; or

(B) Acquire the premises by court action exercising the constitutional right of eminent domain.

(C) After acquisition, to eliminate the blight by:

(1) Demolition and clearance of the premises by an independent contractor or City forces, or clearance if demolition of structures is not necessary; or

(2) Rehabilitation by an independent contractor or by City forces; or

(3) Sale of the blighted premises to a purchaser upon terms providing for the elimination of the blight and prevention of its recurrence; or

(4) Sale of the premises after demolition and clearance (if not needed for municipal purposes) for use or development in accordance with applicable Springdale Municipal Code and zoning code provisions; or

(5) Any combination of the above provisions.

§99.13. Terms of Sale; Prohibition of Recurrence of Blight.

Premises sold under the provisions of this chapter shall provide in the instrument of conveyance that the purchaser, successors and assigns, shall rehabilitate or develop the premises in accordance with all applicable Springdale Municipal Code, Title XV, Chapter 152 and zoning code regulations of the City of Springdale and shall henceforth use the premises in accordance with all applicable provisions of the zoning code of the City of Springdale and the Springdale Municipal Code and shall eliminate any blight thereon and prevent the recurrence of blight. Such provisions shall be both covenants and conditions of the conveyance and the instrument of conveyance shall further provide for reversion to the City of Springdale if blight does recur upon the premises or the use, development or rehabilitation thereof is not carried out in accordance with the terms of the conveyance and the provisions of the zoning code of the City of Springdale and the Springdale Municipal Code and shall provide for a right of immediate re-entry by the City of Springdale in such event.

The Mayor or his designee is hereby authorized to negotiate for the sale of premises acquired under the provisions of this chapter which are not to be retained by the City. No land shall be sold by the Mayor or his designee except pursuant to a special ordinance of Council authorizing such sale which ordinance shall prescribe in detail the terms and conditions upon which such sale is to be made and the covenants to be contained in the deed from the City to the redeveloper.

§99.15. Finances.

There is hereby established a special revolving fund entitled Elimination of Spot Blight Fund, into which all appropriations for the purpose of carrying out the provisions of this chapter shall be placed and the Finance Director is hereby authorized to make expenditures from such fund for the purposes set forth in this chapter upon receipt of voucher from the Mayor or his designee and further, the Finance Director is hereby authorized and directed to deposit in such fund, all proceeds of sale from premises purchased under the provisions of this chapter.

§99.17. Consultation with Neighborhood Organizations.

The Mayor or his designee is authorized to consult with organizations and persons in a neighborhood in regard to the existence of blighted premises therein, means of eliminating such blight and possible purchase and redevelopment of such property by responsible neighborhood organizations.

§99.19. Provisions of this Chapter not a Limitation.

Nothing in this chapter shall be deemed to limit the Mayor or his designee or the City of Springdale in any way to use any or all other means available to it to remove existing blight or prevent future, or summarily eliminate immediate hazards to the public health or safety or activity on premises regardless of whether or not acquisition of such premises has or has not been commenced under any provisions of this chapter.

§ 99.21. Inconsistent Statutes Inoperative.

The provisions of any statute of the state of Ohio in conflict with provisions of this chapter are hereby declared to be inoperative in the City of Springdale.

§99.23. Unconstitutionality.

In the event any section of this chapter or any part of any section of this chapter is declared to be unconstitutional, such decision shall in no way affect the operation of any other section or part thereof of this chapter, and the remainder of this chapter shall remain in full force and effect.